

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JENARO D. HERNANDEZ,

Petitioner,

v.

JASON BENNETT,

Respondent.

Case No. 2:24-cv-00982-JHC-TLF

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation (R&R) of  
Magistrate Judge Theresa L. Fricke, Dkt. # 9, and the remaining record, does hereby  
ORDER:

(1) As explained in the R&R, the Court concluded that the petition was seeking relief  
under 28 U.S.C. § 2254 and was not exhausted. The Court thus ordered  
Petitioner to show cause why the petition should not be dismissed. Petitioner  
failed to respond. Petitioner has not filed a timely objection to the R&R. The  
Court agrees with the R&R and adopts it.

(2) Petitioner's federal *habeas corpus* petition, and this matter, is DISMISSED  
without prejudice.

(3) Petitioner's motion to proceed IFP (Dkt. 1), as well as his "proposed motion  
requesting discovery" (Dkt. 3), "proposed request for records pursuant to 28  
U.S.C. 2250" (Dkt. 4), "proposed motion for order response" (Dkt. 5), and

1 “proposed motion requesting production of the record” (Dkt. 6) are DENIED as  
2 moot.

3 (4) A certificate of appealability is DENIED.

4 (5) The Clerk is directed to send copies of this order to petitioner and to the Hon.

5 Theresa L. Fricke.

6 Dated this 20th day of September, 2024.

7  
8   
9 John H. Chun  
United States District Judge